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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,132	03/26/2004	Gunter Gray Matt	065424-9092	3806

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EXAMINER

BOCHNA, DAVID

ART UNIT PAPER NUMBER

3679

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/811,132	Applicant(s) MATT ET AL.	
	Examiner David E. Bochna	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-15 and 27-32 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 12, 16-20, 25 and 26 is/are rejected.
- 7) ☒ Claim(s) 3, 6-11, 21-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4-5, 12, 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Sloan '236.

In regard to claim 1, Sloan discloses a fluid distribution system comprising;

a hollow pipe section C having at least one bore A extending longitudinally therethrough;

at least one longitudinal boss F2 extending along the pipe section and positioned about the bore;

an end fitting I' comprising:

a hollow body K configured to be received in the bore;

a shoulder I' extending radially from the body and configured to abut against an end surface of the pipe section;

at least one bolt hole J extending through the shoulder and configured to align with the at least one longitudinal boss; and

at least one fastener extended through the at least one bolt hole and secured in the at least one boss; and

a secondary component D configured for attachment to the end fitting.

In regard to claim 2, wherein the body has an outer diameter substantially equal to an inside diameter of the bore.

In regard to claim 4, the bore has a diameter and the shoulder I' has an outside diameter greater than the bore diameter.

In regard to claim 5, wherein the shoulder I' has a first planar surface configured to abut against the end surface F2 of the pipe section and a second planar surface opposite the first planar surface and configured to abut against the secondary component.

In regard to claim 12, the secondary component includes a pipe portion with a third radial shoulder D' extending from the pipe section.

In regard to claim 18, the pipe portion C includes a smooth hollow pipe.

In regard to claim 19, the pipe portion includes a threaded D2 hollow pipe.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloan in view of Wendel. Sloan discloses the use of a straight pipe, but not a T or elbow. Wendel teaches that straight pieces of pipe, Ts and Elbows are well known equivalent pieces of pipe that can be used together in a piping system. Inasmuch as the references disclose these elements as art recognized equivalents, it would have been obvious to one of ordinary skill in the art to

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substitute one for the other in the system of Sloan. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982).

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sloan in view of Quevedo del Rio. Sloan discloses the secondary component as a pipe D, but not as a plate configured to cover the bore. Quevedo del Rio teaches that pipes (68 in fig. 2) and plates (22 in fig. 1) are well known equivalents in the art. Inasmuch as the references disclose these elements as art recognized equivalents, it would have been obvious to one of ordinary skill in the art to substitute one for the other in the system of Sloan. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982).

6. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloan in view of Stafford. Sloan discloses a flanged expansion joint that can be quickly and easily assembled, but does not disclose that the bosses are threaded. Stafford teaches using a threaded boss 14 and tapping fastener 15', which reduces the part count needed to assemble the joint, thereby improving the ease in which the joint can be assembled. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the boss of Sloan to include a thread, as taught by Stafford, in order to make the joint easier to assemble by reducing the number of parts need to make up the joint.

Allowable Subject Matter

7. Claims 3, 6-11 and 21-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 13-15 and 27-32 are allowed.

Response to Arguments

9. Applicant's arguments filed 6/16/06 have been fully considered but they are not persuasive. Applicant argues that Sloan does not disclose a shoulder configured to abut against an end surface of the pipe section. The Examiner disagrees. Sloan discloses a shoulder I' that is configured to abut against the end surface F2, as both I' and F2 contain flat radial surfaces and both I' and F2 are connected by a bolt J that can draw the two surfaces together.

Applicant points to Page 2, lines 88-91 to argue that the surfaces of I' and F2 are not configured to abut. Specifically the language that "flange I' is provided, spaced from the free end F2 and adjustably secured thereto by the bolts J." However, the next lines indicate that when wear occurs flange I' can be adjusted inward through bolts J. Additionally, the bottom of fig. 3 shows flange I' abutting the end surface of flange F2. Therefore, as shown in the fig. 3 and described in lines 94-96 of page 2 of the specification of Sloan, the flange I' is configured to abut against the end surface of the pipe section F2. Therefore the prior art rejections have been maintained.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'David E. Bochna', with a stylized flourish extending to the right.

David E. Bochna
Primary Examiner
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